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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 18

Application Number: 09/472,852
Filing Date: December 28, 1999
Appellant(s): BETZ ET AL.

MAILED

NOV 18 2003

Technology Center 2100

Henry M. Zykorie
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 06 November 2003

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 1-21 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

6,032,158	Mukhopadhyay et al	02 2000
6,067,523	Bair et al.,	05 2000

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1- 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mukhopadhyay et al., [hereafter Mukhopadhyay], US Patent No. 6032158 in view of Bair et al., [hereafter Bair], US Patent No. 6067523.

2. As to Claim 1, Mukhopadhyay teaches a system which including 'a computer implemented method of capturing and recording changes to an electronic data

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warehouse or data mart' [see fig 1-2, Abstract], capturing and recording changes to an electronic data warehouse or data mart corresponds to fig 1, element 105-106, 'soliciting a user for data discovery information defining data and sources of the data for a data warehouse or data mart' [col 4, line 39-48], CDC database may contain various database tables such as log record table, image tables transaction tables and like, further user designates one source table in the mapping to be the primary source table as detailed in col 4, line 47-48, defining data corresponds to what data should be captured from the source tables of the operational databases element 201-202 as detailed in col 4, line 9-12, 'documenting at least a portion of the data warehouse or data mart in an SOR (system of record) document' [col 4, line 58-67, col 5, line 1-5], SOR corresponds to table 1 because table 1 specifically directed to various system of records such as server and database id's, 'incorporating at least a portion of the discovery information recorded in the SOR database' [col 6, line 61-67], It is however, noted that Mukhopadhyay does not specifically teach 'generating a user customized document'. On the other hand, Bair teaches a system which including 'generating a user customized document' [fig 3-4, col 8, line 32-36, line 58-67], customized document corresponds to individual patient's record.

It would have been obvious one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Bair et al., into capturing and propagating changes from an operational database to data marts of Mukhopadhyay because they both are directed to data storing in one or more databases, more

specifically Mukhopadhyay teaches capturing and propagating changes made upon an operational database to one or more target data marts [see col 1, line 7-12], while Bair is directed to creating displaying, reports for aggregating data from patient treatment results, more specifically optimization system and method for integrating patient data, electronically communicating selected information to a data collection center for amassing a database of behavioral treatment, displaying treatment goals and like as detailed in col 2, line 52-58]. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention would have motivated to combine the references because that would have allowed users of Mukhopadhyay's capturing and propagating changes from an operational database to data marts to control which relative combinations of individual patient's database satisfies his or her needs as suggested by Bair et al., [col 3, see 41-46].

3. As to Claim 2, Bair teaches a system which including 'presenting a predefined sequence of queries' [col 8, line 18-27, fig 3], 'set of predefined templates stored in the SOR database' [col 8, line 49-55, fig 4], 'associating user provided answers to the queries with respective ones of the templates' [col 9, line 18-24].

4. As to Claim 3, Bair teaches a system which including 'generating an exception when the user answers a query out of sequence with the predefined sequence of queries and thereby creates at least one unanswered query' [col 12, line 3-22], 'storing

the exception in an exception table and associating the exception with the at least one unanswered query' [col 12, line 30-34].

5. As to Claim 4, Bair teaches a system which including 'presenting a list of exceptions and associated unanswered queries to the user, to thereby inform the user of the need to collect further discovery information' [col 12, line 35-55].

6. As to Claims 5, 9-10, Bair teaches a system which including 'extracting a selected portion of the SOR database from the SOR database and storing the extracted portion in a computer memory workspace' [col 13, line 26-31], 'visualizing the extracted portion residing in the workspace on the computer display' [fig 17-20], 'customizing an order of presentation and an output format of the visualized, extracted portion residing in the workspace' [col 13, line 56-67].

7. As to Claim 6, Bair teaches a system which including 'presenting a list of the SOR templates to the user' [col 8, line 49-57], "selecting one or more of the SOR templates from the list of SOR templates' [col 8, line 58-60], 'extracting the selected templates and associated discovery information from the SOR database to establish the extracted portion of the SOR database in the workspace' col 9, line 18-24].

8. As to Claims 7-8, Bair teaches a system which including 'database includes predefined output formats associated with generating the customized document, and

wherein said generating step includes the further step of formatting the extracted portion in accordance with the output formats' [col 13, line 60-67].

9. As to Claim 11, Mukhopadhyay teaches a system which including 'names of source databases and source files providing a source of data to the data warehouse' [col 3, line 65-67, col 4, line 1-4], 'descriptions of the source databases and files' col 4, line 58-67], 'logical data models for the source databases and files and for the data residing in the databases and files' [fig 3], 'locations of the source databases and files including identifier' [col 4, line 47-52]. On the other hand, Bair teaches names and contact information relating to administrators' [col 3, line 1-11], 'updating frequency of the source databases and files' [col 7, line 33-35], 'data transferring methods and frequencies' [col 7, line 28-31, line 45-46], 'volatility rules for the data' [col 7, line 49-55], 'business rationales for using the data' [col 7, line 53-55].

10. As to Claim 12, Bair teaches a system which including 'importing discovery information in the form of at least one of data files' [col 7, line 24-39], 'linking the imported discovery information' [col 8, line 42-48].

11. As to Claim 13, Bair teaches a system which including 'recording configuration control information in the SOR database each time the SOR database is updated' [col 6, line 66-67, col 7, line 1-12].

12. As to Claim 14, Bair teaches a system which including 'uploading the SOR database to a database residing in a network accessible computer' [col 7, line 1-3], network corresponds to LAN element 320.

13. As to Claim 15, Bair teaches a system which including 'document that defines the starting system parameters' [see fig 25], Mukhopadhyay teaches 'data warehouse' [fig 1, element 106].

14. As to Claim 16, Mukhopadhyay teaches 'logical data model, physical data model, metadata' [see fig 1-3], while Bair teaches 'configuration templates' [col 8, line 49-55].

15. As to Claim 17, Mukhopadhyay teaches a system which including 'updating the SOR database including modifications to the data warehouse' [col 1, line 63-66].

16. As to Claim 18, Mukhopadhyay teaches a system which including 'synchronizing the SOR' [col 3, line 60-65, fig 2].

17. As to Claim 19, Bair teaches a system which including 'inputting data discovery information either manually or automatically' [fig 4].

18. As to Claim 20, Bair teaches a system which including 'discovery information includes at least one of text, audio, image, and video' [see fig 29-30].

19. As to Claim 21, Bair teaches a system which including 'customized document includes at least one of text, audio, images and video' [fig 29-30].

(11) Response to Argument

- a) At page 6, line 2-3, Claim 1, applicant argues 'there is no teaching or suggestion or consideration of generating a user customized document'
- b) At page 7, line 21-24, Claim 1, "the discovery information is recited to include soliciting a user for data discovery information and documenting the discovery information collected from the user. This does not correspond to patients electronic chart or record or document.

As to the above argument [a-b], examiner disagrees with the applicant because firstly, Bair et al is directed to collecting and reporting data from various sources, more specifically, providing health care data that including integrating patient chart, previous treatment, and treatment plan information and like [col 1, line 6-8, col 2, line 41-45], secondly, Bair specifically directed to **customized document** or questionnaires and the cross-referencing of results [col 2, line 59-62], thirdly, Bair specifically teaches to **create a specific document or customized documents based on unique ID or patient SSN as detailed in fig 3 element 514 that related to the patient module element 322** [col 8, line 32-36, line 49-55, line 58-67, fig 4, element 52]. As noted from Bair that fig 4, element 52 specifically teaches patient's electronic template that reflects individual patient's information as detailed above. As best understood by the examiner, customized

document corresponds to individual patient's electronic chart or record or document fig 4, element 52. Therefore, Bair does teach generating a user-customized document containing individual patient's information

c) At page 6, line 5-8, applicant argues 'furthermore, the fact that both the references are directed to data storing in one or more databases does not result in the conclusion that it would be obvious to combine the references. The fact that two references are in the same or analogous fields is a requirement in combining references under 35 USC 103 but is not a reason for combining references.

In response to applicant's argument [c] that Mukhopadhyay and Bair references is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Mukhopadhyay is directed to capturing and propagating changes in the database to data marts, more specifically propagating changes made in the database to one or more target data marts [see Abstract], Also, Mukhopadhyay clearly provided that summary data that is useful, meaningful for decision support or other end-user needs [col 1, line 40-45], while Bair is directed to reporting behavioral health care data, more specifically creating, generating electronic reports of patient's information [see Abstract], both Mukhopadhyay and Bair are directed to using database

for creating summary data that is meaningful for decision making purposes, furthermore, Mukhopadhyay specifically teaches data mart that is similar to a data warehouse. As best understood by the examiner, data mart is a subset of data warehouse, a data mart tends to start from an analysis of user needs and that a data warehouse tends to start from analysis of what data already exists and how it can be collected in such a way that the data can be used. The instant claim language *"a computer implemented method of capturing and recording changes to an electronic data warehouse o data mart"* reads-on Mukhopadhyay's data warehouse or data mart that corresponds to fig 1, element 105-106, it is also noted that Bair specifically teaches for example case manager has access to the demographic database element 201 and provider database element 202 and plan rules element 203 [see col 7, line 24-30], and both Mukhopadhyay and Bair are in the same or analogous fields at minimum because both specifically teaches analyzing information [Mukhopadhyay: col 3, line 60-67, col 4, line 1-7; Bair: col 7, line 56-59], therefore, these two references are in the same or analogous fields for combining under 35 USC 103.

d) At page 6, line 9-10, Claim 1, applicant argues Bair does not change individual patient's databases but rather allows a host management to change a rule with regard to a particular set of patients as noted above.

As to the above argument [d], As best understood by the examiner, Bair specifically teaches user interface in which user may add a new patient record, view a

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highlighted patient's record or delete a patient record as detailed in col 8, line 28-30, fig 3, element 51, further it is noted that system 32 houses a database 321 of patient information [see fig 2, col 8, line 18-19].

e) At page 6, line 15-16 Claim 2 the cited portions of Bair do not teach or suggest presenting a predefined sequence of queries for the discovery information

As to the above argument [e], Examiner disagree with the applicant because Bair specifically teaches for example patient information database that containing predefined sequence of entering data such as detailed in fig 3 for queries, further Bair also teaches specifically predefined template such as detailed in fig 4, also it is noted that queries or search can be performed through search box element 519 [col 8, line 30-31].

f) At page 6, line 18-24, Claim 3, applicant argues Bair does not teach or suggest generating an exception when the user and is a query out of sequence with a predefined sequence of queries and thereby creates at least one unanswered query and storing the exception

g) At page 6, line 25-29, page 7, line 1-3, Bair do not teach or suggest a system which presents a list of exceptions and associated unanswered query as to the user to inform the user of the need to collect further discovery information and record the further discovery information in the SOR database.....

As to the above argument [f-g], As best understood by the examiner Bair suggests for example questionnaire template as detailed in col 12, line 11-12, also allows to enter correct answer that corresponds to question and answer query in sequence, Bair also suggests for example if questionnaire is not deemed adequate or if the selected questionnaire is not part of the treatment plan, either questionnaire database will need to be searched until a usable and acceptable questionnaire is found [co 12, line 30-34] or a new questionnaire may be created entirely or edited [col 12, line 42-45] that corresponds to question query or query out of sequence with a predefined sequence of queries. It is noted that Bair specifically suggest for example questionnaire template element 66 that contains various topic list, when the topic is selected, it gives user(s) guided entry question box such as detailed in fig 17, element 664, further it is also noted that list of answers are provided in the answer box [see fig 17 element 665-666] that corresponds to predefined sequence of queries, in other words predefined questions and related answers, N/A feature specifically directed to answer does not apply as detailed in col 12, line 20-22.

h) At page 7, line 4-9, Claims 5,9-10, Bair do not teach or suggest the feature recited in the rejected claims That is, as noted above Bair does not teach or suggest generating a user customized document nor does it teach or suggest customizing an order of presentation and an output format of the visualized extracted portion residing in the workplace.....


As to the above argument [h], As best understood by the examiner, Bair specifically teaches each patient electronic chart, setting up of templates, customizing patient data [see fig 3-4], further Bair also teaches searching or querying specific data and displaying as detailed in fig 3. It is also noted that Bair teaches visualizing and displaying question and related answers [col 12, line 11-22, col 13, line 50-67].

i) Applicant's remarks, at page 7, line 10-11, Claims 6-8,11-21, are merely conclusory statements without any support. Applicant is merely repeating office action without addressing examiner's particular interpretation of the references. Accordingly, examiner repeats the rejection as previously presented.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


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Primary Examiner
Art Unit 2177

SC

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